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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,760	01/13/2003	Tetsujiro Kondo	450101-03158	3056
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151		12/10/2007	EXAMINER DURNFORD GESZVAIN, DILLON	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/009,760

Applicant(s)

KONDO ET AL.

Examiner

Dillon Durnford-Geszvain

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,9,10,14-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,9,10,14-16 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims **1-4, 9, 10, 14-16** and **19** are pending and claims **5-8, 11-13, 17, 18** and **20-38** have been cancelled.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Arguments***

3. Applicant's arguments, see page 9 of applicants remarks, filed 10/31/2007, with respect to the rejection(s) of claim(s) **1-4, 9, 10, 14-16** and **19** under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered JP 04-313949 A (Yoneyama).

### ***Allowable Subject Matter***

4. The indicated allowability of claim 9 is withdrawn in view of the newly discovered reference(s) to JP 04-313949 A (Yoneyama). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims **1-4, 9, 14-16** and **19** are rejected under 35 U.S.C. 102(b) as being anticipated by the English translation of JP 04-313949 A (Yoneyama).

As to claim **1**, Yoneyama teaches an image pick-up apparatus (see Fig. 1) for picking up an image of an object, the image pick-up apparatus comprising:

an image pick-up unit 11 having a light receiving surface configured to receive light the object to carry out photo-electric conversion (see [0012]), and adapted to output pixel value obtained as a result of the photo-electric conversion (see [0012]);

an evaluator 17 configured to evaluate the pixel value (see [0015]);

a controller 19 configured to control, in pixel units, exposure time with respect to the light receiving surface on the basis of the evaluation by the evaluator (see [0012] and [0017]);

a storage unit (comprising 14 and 15) configured to store plural pixel values output from the image pick-up unit and the exposure times of the pixels corresponding to the plural pixel values, the plural pixel values included in a frame or field, and an exposure time of a particular pixel may be different than an exposure time of another pixel (see [0012] and [0020]); and

a correcting unit 18 configured to correct the plural pixel values stored in the storage unit based on the exposure times stored in the storage unit (see [0021]).

As to claim **2**, see the rejection of claim **1** and note that Yoneyama further teaches the image pick-up apparatus set forth in claim **1**, wherein the evaluator 17 evaluates whether or not the pixel value is a value within a predetermined range (see

[0015] and note that the predetermined range is between V1 and V2 of Fig. 6); and

wherein when the pixel value is not a value within the predetermined range, the controller 19 controls the exposure time with respect to the pixel light receiving surface corresponding to that pixel value so that the pixel value is caused to be within the predetermined range (see [0018]-[0020]).

As to claim 3, see the rejection of claim 2 and note that Yoneyama further teaches the image pick-up apparatus set forth in claim 2, wherein the controller 19 is operative so that when the pixel value is a predetermined value (V1) or more, the controller 19 shortens the exposure time with respect to the pixel of the light receiving surface corresponding to that pixel value (see [0017]).

As to claim 4, see the rejection of claim 2 and note that Yoneyama further teaches the image pick-up apparatus set forth in claim 2, wherein the controller 19 is operative so that when the pixel value is less than a predetermined value (V1), the controller elongates the exposure time with respect to the pixel of the light receiving surface corresponding to that pixel (see [0019] and [0020]).

As to claim 9, see the rejection of claim 1 and note that Yoneyama further teaches the image pick-up apparatus as set forth in claim 1,

wherein the correcting unit 18 is operative so that when the longest time of the plural exposure times stored in the storage unit is assumed to be  $1/S_{base}$  (N in

Yoneyama) and the exposure time of the pixel value stored in the storage unit is assumed to be  $1/S$  ( $N_j$  in Yoneyama), the correcting unit 18 multiplies the pixel value  $M_j$  stored in the storage unit 14 by  $S/S_{base}$  ( $N/N_j$  in Yokeyama) to thereby correct the pixel value (see [0021] and note that if you substitute  $N=1/S_{base}$  and  $N_j=1/S$  into the equation of Yokeyama it would be:  $V_j = ((1/S_{base})/(1/S)) * M_j$  which reduces to  $V_j = (S/S_{base}) * M_j$ ).

Claims 14-16 correspond to claim 1 but are directed to a method, a computer readable medium, and a computer readable medium respectively, and are therefore rejected on the same grounds as claim 1 but drawn to a method, a computer readable medium, and a computer readable medium respectively.

Claim 19 corresponds to claim 1 and is rejected on the same grounds.

### ***Claim Rejections - 35 USC § 103***

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 04-313949 A (Yoneyama) in view of US 5,517,242 (Yamada).

As to claim 10, Yoneyama does not explicitly teach a display for displaying the corrected pixel values in the cited embodiment. However, Yamada teaches an image sensing device for correcting pixel values (Column 7 lines 47-67 and Column 8 lines 45-53) and displaying the corrected pixel values (Column 8 lines 35-43). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made

to have incorporated a display for displaying the corrected pixel values as it was extremely common at the time the invention was made to include a display for displaying images captured by an image pick-up apparatus and one of ordinary skill in the art would instantly recognize the advantages of including a display to display images captured by an image capture device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain

12/5/2007

  
TUAN HO  
PRIMARY EXAMINER